

PROCEDURAL SAFEGUARDS

➤ GENERAL

❑ GENERAL RESPONSIBILITY OF LEAD AGENCY FOR PROCEDURAL SAFEGUARDS (303.400)

Each agency/service provider is responsible for the implementation of procedural safeguards that ensure the following:

- **Copy to Parents – A copy of the procedural safeguards available to the parents of a child with a disability shall be given to the parents only 1 time a year, except that a copy also shall be given to the parents—**
 - (i) **upon initial referral or parental request for evaluation;**
 - (ii) **upon the first occurrence of the filing of a complaint under subsection (b)(6); and**
 - (iii) **upon request by a parent.**

❑ DEFINITIONS OF CONSENT, NATIVE LANGUAGE, AND PERSONALLY IDENTIFIABLE INFORMATION (303.401)

Consent means that:

- parent(s) have been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication;
- the parent(s) must understand and agree in writing to the carrying out of the activity for which consent is sought; the consent describes the activity and lists the records (if any) that will be released and to whom;
- the parents understand that granting consent is voluntary on their part and may be withdrawn at any time.

Native Language

Native language refers to the language used by a person of limited English proficiency. The language or mode of communication normally used by the parent of a child eligible under Part C of IDEA.

Personally Identifiable Information

Information that includes:

- The name of the child, the child's parent, or other family member;

1, 2005

DRAFT EFFECTIVE JULY

